

**FILED**  
MAY 14 2010  
PATRICK E. DUFFY, CLERK  
BY JRT  
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

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UNITED STATES OF AMERICA,	)	Cause No. CR 05-26-BU-DWM
	)	
Plaintiff/Respondent,	)	
	)	
vs.	)	ORDER DENYING MOTION
	)	FOR RECONSIDERATION
GARY WILLIAM HUFFMAN,	)	
	)	
Defendant/Movant.	)	

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On May 13, 2010, Defendant/Movant Gary William Huffman moved the Court to reconsider its denial of his "Motion for Certificate of Appealability," filed on March 10, 2010. A certificate of appealability had already been denied on December 11, 2009, along with Huffman's motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255.

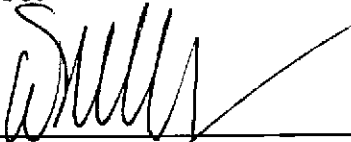
Huffman now asks the Court to reconsider its denial of his motion because he claims he did not receive the United States' response to his motion. The response includes a certificate of service showing that it was, in fact, served on Huffman. The

Court duly awaited Huffman's reply brief. When it did not come, the motion was denied.

Huffman presents no legally cognizable grounds for reconsideration of a motion that was misdirected in the first place.

Accordingly, IT IS HEREBY ORDERED that Huffman's motion for reconsideration (doc. 90) is DENIED.

DATED this 14<sup>th</sup> day of May, 2010.

  
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Donald W. Molloy  
United States District Court  
